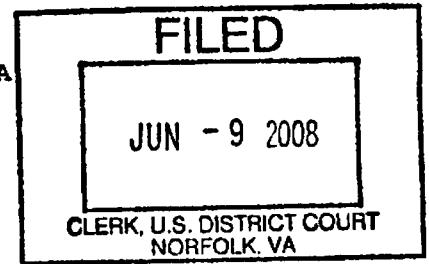


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CORREY SHAVANTE J. DAVID, #347206

Petitioner,

v.

2:07CV396

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on April 21, 2005, in the Circuit Court for the City of Portsmouth, Virginia, for possession of heroin, possession of cocaine with intent to distribute, and possession of heroin with intent to distribute. As a result of the convictions, petitioner was sentenced to serve eleven years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge filed his report recommending dismissal of the petition on May 2, 2008. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge.

On May 9, 2008, petitioner moved for an extension of time within which to file objections to the Magistrate Judge's Report and

Recommendation. By Order of May 12, 2008, the motion was granted, and petitioner's time was extended to June 2, 2008. To date, the Court has received no objections to the report, and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed May 2, 2008, and it is, therefore, ORDERED that the petition be DENIED and DISMISSED on the basis of petitioner's procedural default in the state courts and on the merits and that judgment be entered in respondent's favor.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

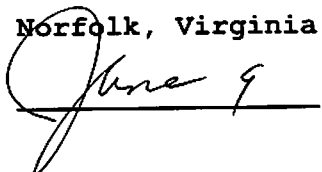
The Clerk shall mail a copy of this Final Order to petitioner and to counsel of record for respondent.



Raymond A. Jackson
United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia


_____, 2008